

REMARKS

In response to the Restriction Requirement mailed February 12, 2009, Applicant elects the invention of Group I, claims 31-37 and 44-49, with traverse, for prosecution in this application.

As Group I has been elected, claim 44 has been placed in independent form, as requested in the Office Action.

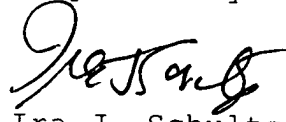
Applicant submits that the claims, particularly in respect of Groups I and II, form a single general inventive concept, the use of a substantially continuous indicator band extending around the body of a container, the band being located on the body adjacent the opening and viewable when the lid is placed over the opening, the indicator band having been incorporated on the body of the container prior to a specimen being located within the body of the container.

The Restriction Requirement alleges that Groups I-IV do not relate to a single general inventive concept because "the special technical feature of a body, a lid, and an indicator band has not been found to be a contribution over the prior art (from IDS, Stevens et al. (US 2003/0206831), figure 1)." This statement provides a justification for the restriction by defining the invention more broadly than the present claims.

Stevens et al does not show the general inventive concept which is actually claimed, the use of a substantially continuous indicator band extending around the body of a container, the band being located on the body adjacent the opening.

Withdrawal of the Restriction Requirement is therefore requested.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666  
Attorney for Applicants  
(703)837-9600, ext. 23

LAW OFFICES  
DENNISON, SCHULTZ & MACDONALD  
SUITE 105  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700  
  
703 837-9600